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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN TUMINARO,) Case No.
)
Plaintiff,) COMPLAINT FOR VIOLATION
) OF THE FEDERAL FAIR DEBT
vs.) COLLECTION PRACTICES ACT
)
PINNACLE FINANCIAL GROUP)
INCORPORATED,)
)
Defendant.)
_____)

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA"), which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k (d).

III. PARTIES

3. Plaintiff, John Tuminaro (“Plaintiff”), is a natural person residing in Bucks county in the state of Pennsylvania, and is a “consumer” as defined by the FDCPA, 15 U.S.C. §1692a(3).

4. At all relevant times herein, Defendant, Pinnacle Financial Group Incorporated, (“Defendant”) was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a “debt,” as defined by 15 U.S.C. §1692a(5). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

5. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

6. In February 2011, Defendant contacted Plaintiff in connection with an attempt to collect an alleged debt.

7. On average, Plaintiff received from Defendant more than two calls per day in connection with an attempt to collect an alleged debt.

1 8. Defendant contacted Plaintiff at times and places that were known to
2 be inconvenient, including but not limited to, calls made to Plaintiff's work and
3 calls made at 10:54pm.
4

5 9. Defendant contacted Plaintiff's co-workers, third parties to this
6 action, for purposes other than obtaining location information.
7

8 10. Defendant disclosed to third parties the existence of an alleged debt
9 owed by Plaintiff and the identity of Defendant without being expressly
10 requested.
11

12 11. Defendant's conduct violated the FDCPA in multiple ways,
13 including but not limited to:
14

15 a) Causing Plaintiffs telephone to ring repeatedly or
16 continuously with intent to harass, annoy or abuse Plaintiff
17 (§1692d(5));

18 b) Communicating with Plaintiff at times or places which were
19 known or should have been known to be inconvenient for
20 Plaintiff (§1692c(a)(1));

21 c) In connection with an attempt to collect an alleged debt from
22 Plaintiff, contacting a third party for purposes other than
23 obtaining location information (§1692b & §1692c(b));
24

25 d) In connection with an attempt to collect an alleged debt from
26 Plaintiff, providing the identity of Defendant to a third party
27 without such information being expressly requested
28 (§1692b(1) & §1692c(b));

1 e) Disclosing to a third party the existence of the debt allegedly
2 owed by Plaintiff (§1692b(2) & §1692c(b)); and

3
4 f) Communicating with a single third party more than once in
5 connection with an attempt to collect an alleged debt from
6 Plaintiff (§1692b(3) & §1692c(b)).

7 12. As a result of the above violations of the FDCPA Plaintiff suffered
8 and continues to suffer injury to Plaintiff's feelings, personal humiliation,
9 embarrassment, mental anguish and emotional distress, and Defendant is liable to
10 Plaintiff for Plaintiff's actual damages, statutory damages, and costs and
11 attorney's fees.
12

13
14 **COUNT I: VIOLATION OF FAIR DEBT**
15 **COLLECTION PRACTICES ACT**

16 13. Plaintiff reincorporates by reference all of the preceding paragraphs.
17

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff respectfully prays that judgment be entered
20 against the Defendant for the following:
21

- 22 A. Declaratory judgment that Defendant's conduct
23 violated the FDCPA;
24 B. Actual damages;
25 C. Statutory damages;
26 D. Costs and reasonable attorney's fees; and,
27 E. For such other and further relief as may be just and proper.
28

1 **PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

2 Respectfully submitted this 8th day of July, 2011.

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4 By: /s Cynthia Z. Levin
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